INSTRUCTIONS FOR COMPLETING WAIVER OF SERVICE FORMS

Follow these instructions to complete the Notice of Lawsuit and Request for Waiver of Service of Summons. Attached to these instructions are sample forms. Also attached are blank forms. The forms consist of two pages: (1) the Notice of Lawsuit and Request of Waiver of Service of Summons form (to be completed by you), and (2) the Waiver of Service of Summons (to be completed by the defendant). You must make one copy of the blank waiver forms to be completed by you for each defendant when serving the complaint by mail under Fed R. Civ. P. 4(d) (attached hereto). Fill in each blank with the appropriate information as indicated by the letter key below for each defendant you are serving.

- (A) = Name of defendant, if an individual. If you are suing a corporation, partnership or other unincorporated association, write the name of the officer or agent for service here.
- (B) = Title of person named for the corporation, partnership or association. For example, "as officer or agent." Leave blank if you are not suing a corporation, partnership or association.
- (C) = Name of defendant corporation, partnership or association. Leave blank if not applicable.
- (D) = Name of court, Eastern District of New York
- (E) = The docket number and Judge's initials stamped on your summons. Example: 94 CV 1234 (XYZ).
- (F) = Write 30 days for defendants in the United States, or 60 days for defendants outside of the United States.
- Note: 1. Date and sign the Notice of Lawsuit and Request for Waiver of Service of Summons form.
 - 2. Make **three copies** of the completed Notice of Lawsuit and Request for Waiver of Service of Summons and of the blank Waiver of Service of Summons (to be completed by defendant).
 - 3. Send two copies of the forms to each defendant by first-class mail, <u>along with a copy of the complaint and a stamped, self-addressed envelope,</u> so defendant can mail the waiver of service form back to you.
 - 4. Keep one copy of the completed forms for each defendant for your records.

Sample Form of Notice of Lawsuit and Request for Waiver of Service of Summons

Го:		(A)		
{as	(B)	Of	(C)	}
behalf you ar this notice. for the	it has been comme e addressed). A It has been file assigned docket	copy of the U	he complaint is	attached to
rather my re service in or summons and will be avoic days after the and Request other means	not a formal sum quest that you si rder to save the an additional conded if I receive a he date designated is sent. I enclosed cost-free returns attached for you	gn and ret costs of se py of the co a signed co d below as se a stampe rn) for you	urn the enclose erving you with complaint. The py of the waive the date on whe and addressed in use. An extr	ed waiver of judicial cost of service or within (F) ich this Notice denvelope (or
will be file The action w the waiver i the complain date on whice	comply with this d with the court vill then proceed s filed, except to the before 60 days h this notice is tess is not in any	and no summas if you that you wi from the descent (or be	mons will be se had been served Il not be obli- ate designated efore 90 days fr	erved on you. d on the date gated to answer below as the rom that date
indicated, I a manner aut then, as autl the party on such service concerning t	do not return the will take approphorized by the Feborized by those I whose behalf you. In that connect he duty of parties forth on the reverse	oriate step deral Rules Rules, ask are addres tion, pleas s to waive	s to effect for s of Civil Proc the court to re sed) to pay the se read the stathe service of	emal service in edure and will equire you (or e full costs of tement the summons,
I affir plaintiff, tl	rm that this requently that thisday of	est is bein	g sent to you o	on behalf of the
	Si	gnature of	Plaintiff, Pro) Se

Sample Form of Waiver of Service of Summons

FO:(name of plaintiff's attorney or unit	represented plaintiff
I acknowledge receipt of your request summons in the action of(caption of	of action)
which is case number (docket number) District Court for the (district) have also received a copy of the complaint of this instrument, and a means by which I waiver to you without cost to me.	in the action, two copies
I agree to save the cost of service of additional copy of the complaint in this lathat I (or the entity on whose behalf I am a judicial process in the manner provided by R	wsuit by not requiring cting) be served with
I (or the entity on whose behalf I am a defenses or objections to the lawsuit or to of the court except for objections based on or in the service of the summons.	the jurisdiction or venue
I understand that a judgment may be en party on whose behalf I am acting) if an ans 12 is not served upon you within 60 days aft sent), or within 90 days after that date if outside the United States.	swer or motion under Rule ter (date request was_
Date	Signature
	Print name {as}}
	{of}}

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant who, after being notified of an action and asked to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or even its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must (within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against the defendant, by waiving service, a defendant is allowed more time to answer than if the summons has been actually served when the request for waiver of service was received.

Notice of Lawsuit and Request for Waiver of Service of Summons A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the_ and has been assigned docket number ______ This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the costs of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within____ days after the date designated below as the date on which this Notice and Request is sent. I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the waiver is also attached for your records. If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before 60 days from the date designated below as the date on which this notice is sent (or before 90 days from that date if your address is not in any judicial district of the United States). If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, as authorized by those Rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth on the reverse side (or at the foot) of the waiver form. I affirm that this request is being sent to you on behalf of the plaintiff, this _____day of ______

Signature of Plaintiff, Pro Se

Waiver of Service of Summons

TO:			
I acknowledge receipt of your requ summons in the action of			
which is case number			
States District Court for the have also received a copy of the cocopies of this instrument, and a mean signed waiver to you without cost to	I omplaint in the action, two s by which I can return the		
I agree to save the cost of service additional copy of the complaint in this that I (or the entity on whose behalf I a judicial process in the manner provided by	s lawsuit by not requiring m acting) be served with		
I (or the entity on whose behalf I a defenses or objections to the lawsuit or of the court except for objections based or in the service of the summons.	to the jurisdiction or venue		
I understand that a judgment may be party on whose behalf I am acting) if an 12 is not served upon you within 60 days within 90 days after that date if the reUnited States.	answer or motion under Rule after, or		
Date	Signature		
	Print name		
	{as}}		
	{of}}		

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